

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF HAMPRECHT ET AL.

SERIAL No. 10/551,988

FILED: APRIL 06, 2004

PRIORITY: APRIL 08, 2003

FOR: BENZENESULPHONEAMIDE DERIVATIVES AS HERBICIDES OR DESICCANT / DEFOLIANT COMPOUNDS

DECLARATION

I, Anja Simon, a doctor of natural sciences, a citizen of the Federal Republic of Germany and residing at 65, Multrum, 69469 Weinheim, Germany, declare as follows:

I am a fully trained chemist, having studied chemistry at the University of Stuttgart, Germany, from 1990 to 1995;

I was awarded my doctor's degree by the University of Hohenheim, Germany in 2001;

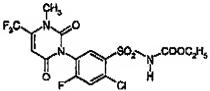
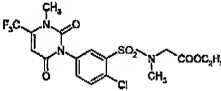
Since 2007, when I joined BASF SE of 67056 Ludwigshafen, Germany, I have been engaged in herbicide screening, and I am therefore fully conversant with the technical area to which application Serial No. 10/551,988 pertains;

I have studied the Office Action dated September 24, 2009 that has issued in this case and read the references therein, particularly *Strunk et al.* (US 5,169,430) applied by the Examiner.

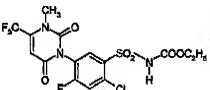
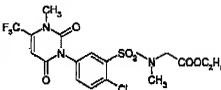
In order to show the herbicidal action of the inventive benzenesulfonamide derivatives we carried out some experiments as described in Application No. 10/551,988 (see page 122, line 30 to page 123, line 25). The plants used in these greenhouse experiments belong to the following species:

Scientific name	Bayer Code	Common name
<i>Bidens pilosa</i>	BIDPI	beggarticks
<i>Chenopodium album</i>	CHEAL	lambquarters
<i>Commelina benghalensis</i>	COMBE	common dayflower
<i>Echinochloa crus galli</i>	ECHCG	barnyardgrass
<i>Galium aparine</i>	GALAP	catchweed
<i>Polygonum persicaria</i>	POLPE	ladythumb
<i>Setaria faberii</i>	SETFA	giant foxtail

**Tab. 1** Comparison of the herbicidal activity of compound 3.19 of the present invention and compound 41 known from Strunk et al. (US 5,169,430) at an application rate of 0.016 kg/ha pre emergence (greenhouse)

compound	compound 3.19	compound 41 (Strunk et al.)
		
application rate (kg/ha)	0.016	0.016
unwanted plant	damages [%]	
BIDPI	100	0
CHEAL	100	15
POLPE	100	85
GALAP	85	25
COMBE	100	55

**Tab. 2** Comparison of the herbicidal activity of compound 3.19 of the present invention and compound 41 known from Strunk et al. (US 5,169,430) at an application rate of 0.016 kg/ha post emergence (greenhouse)

compound	compound 3.19	compound 41 (Strunk et al.)
		
application rate (kg/ha)	0.016	0.016
unwanted plant	damages [%]	
ECHCG	100	80
SETFA	100	20

The test data clearly indicate that the replacement of the alkoxy-carbonylalkyl-aminosulfonyl side chain (known from Strunk et al.) by an alkoxy-carbonyl-aminosulfonyl side chain results in a superior herbicidal activity compared to the compounds known from Strunk et al.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements are made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at 67117 Limburgerhof, Germany, this 15 day of January, 2010.

  
Signature of Declarant